

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

QUDIAN INC. SECURITIES LITIGATION

17-CV-9741 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On August 10, 2020, Defendant Source Code and Defendants Chao Zhu, Li Du, Shilei Li, Yi Cao, Lianzhu Lv, Tianyu Zhu, Yahui Zhou, Yifan Li, Rocky Ta-Chen Lee, Phoenix Auspicious FinTech Investment L.P., Wa Sung Investment Limited, Joyful Bliss Limited, Ever Bliss Fund, L.P., and Kunlun Group Limited filed motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), as to each defendant in a multi-defendant action, a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. *See, e.g., Nichols v. Livingston Cty.*, No. 6:18-CV-6669 (EAW), 2019 WL 3935998, at *4 (W.D.N.Y. Aug. 20, 2019).

Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on October 18, 2019, ECF No. 192, Plaintiffs shall file any amended complaint by **August 31, 2020**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motions to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file new motions to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file answers or new motions to dismiss, the Court will deny the previously filed motions to dismiss as moot. If Defendants file new motions to dismiss, Plaintiff shall file a consolidated opposition within forty-five (45) days of the motions, and any reply shall be filed within thirty (30) days of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiffs shall file a consolidated opposition to the motions to dismiss by **September 24, 2020**, and Defendants shall file any reply by **October 26, 2020**. *See* ECF No. 192. At the time any reply is served, the moving party shall supply the Court with one, double-sided courtesy hard copy of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

SO ORDERED.

Dated: August 11, 2020
New York, New York

 JESSE M. FURMAN
 United States District Judge